IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE EIGHTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 196 of 2005

Between:

Smt. B. Satyamma, W/o B. Kondaiah,
R/o K. Thimmapulam Village, Yemmiganur Mandal, Kurnool District.

..... PETITIONER

AND

1 The Revenue Divisional Officer, Adoni, Kurnool District.
2 The Mandal Revenue Officer, Yemmiganur Mandal, Kurnool District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondents in not appointing the petitioner as a fair price shop dealer of K. Thimmapuram Village on permanent basis despite the recommendations made by the concerned authorities viz., The Mandal Revenue Inspector and Village Administrative Officer is highly illegal, arbitrary and violative of Articles 14, 19 (1) (G) and 21 of the Constitution of India and consequently direct the respondents to appoint the petitioner as a fair price shop dealer of K. Thimmapuram Village, Yemmiganur Mandal, Kurnool District on permanent basis and allot schedule commodities in her favour to enable her to distribute the same to the card holders of K. Thimmapuram Village.

Counsel for the Petitioner:MR.B.PURSHOTHAM REDDY

Counsel for the Respondent Nos.1and 2: GP FOR CIVIL SUPPLIES

The Court at the admission stage made the following :

ORDER:

The petitioner claims to have been appointed as a fair price shop dealer on temporary basis in the year 1999. When the supply of essential commodities was stopped to her in the year 2002, she filed W.P.No.3935 of 2002. The respondents took the stand that a person by name Thimmappa was appointed as dealer on regular basis and in that view of the matter, the petitioner cannot be supplied with the essential commodities. The writ petition was disposed of, leaving it open to the petitioner to work out her remedies in the appeal.

The petitioner states that though an order is said to have been passed appointing an individual, Mr.Thimmappa, as dealer on regular basis, no copy of it was served upon her and that the respondents continued to supply the essential commodities to her till the month of December, 2004. She states that the respondents stopped the supply abruptly from the month of January, 2005 and seeks appropriate directions.

The matter was adjourned on several occasions to enable the learned Government Pleader for Civil Supplies to obtain instructions. It is represented that the stoppage of supply of essential commodities to the petitioner was on account of non-existence of a valid authorization and that the application of the petitioner for renewal of the authorization is said to be pending.

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

There is any amount of uncertainty as to the appointment of a dealer in respect of the fair price shop of K.Thimmapuram Village, Yemmiganur Mandal, Kurnool District. It is true that the petitioner was appointed on temporary basis in the year 1999. However, the subsequent steps taken by the respondents in this regard were either not given effect to or were not pursued properly. The result is that the petitioner continued as dealer till the month of December, 2004. This being the state of affairs, the respondents ought to have acted only through written orders and not by oral instructions. If the petitioner was continuing as a temporary dealer till December, 2004, she could not have been prevented from functioning as such, until a specific order is issued by the Revenue Divisional Officer or where another individual is

appointed on regular basis or was kept in-charge. None of these things are evident from the record. The fact that the application of the petitioner for renewal of the authorization is pending cannot constitute a ground for discontinuance of the supply, if she is otherwise entitled to.

Therefore the writ petition is disposed of, directing that the respondents shall continue the supply of essential commodities to the petitioner, as long as no other person is appointed as dealer in her place in accordance with law. There shall be no order as to costs.

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08.02.2005

JSU

To

1 The Revenue Divisional Officer, Adoni, Kurnool District.
2 The Mandal Revenue Officer, Yemmiganur Mandal, Kurnool District.

3 Two C.Cs to the G.P. for Civil Supplies, High Court Buildings, Hyderabad (OUT),
4 2 CD copies